

REMARKS

Applicants respectfully request entry of the foregoing and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 because the Amendment places the application in condition for allowance (for the reasons discussed herein) or places the application into better form for appeal should an appeal be necessary. The Amendment does not raise the issue of new matter and does not raise any new issues requiring new search and/or consideration since the Amendment is directly to subject matter previously considered during prosecution. Furthermore, the amendments were not earlier presented because they are in response to issues raised in the Final Rejection. Applicants respectfully request entry of the Amendment.

By the above amendments, Applicants have rewritten Claim 23 in independent form to include the features of allowable Claim 49. Applicants also amended Claims 29-33, 37-40 and 42 to depend from allowable Claim 49 instead of Claim 48. Additionally, Applicants canceled Claim 48 without prejudice to or disclaimer of the subject matter therein. Applicants also amended Claim 49 to address the §112, second paragraph, issue. Finally, Applicants rewrote allowable Claim 33 in independent form to include the features of canceled Claim 48 and added new Claims 50-57 to depend from independent Claim 33. Support for new Claims 50-57 can be found at least at the previously pending versions of Claims 23, 29-32 and 37-39. No new matter is added.

Applicants thank the Examiner for acknowledging that Claims 33 and 49 are patentable over the cited prior art. In view of the foregoing amendments and following remarks, Applicants respectfully submit that all pending claims in the application are in condition for allowance.

Turning now to the Official Action, Claims 29-32, 37-40 and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ona in view of Bailey; Claims 23 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ona in view of Bailey, and further in view of Togashi; and Claims 37 and 38 stand rejected under 35 U.S.C. § 102(e) or 103(a) as anticipated by or obvious over Crivello. As Applicants have canceled Claim 48 and amended Claims 23, 29-32, 37-38 and 42 to depend from allowable Claim 49, these rejections are moot.

Claim 49 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. For at least the reasons that follow, reconsideration and withdrawal of the rejection are respectfully requested.

Applicants have amended Claim 49 to obviate the §112 rejection by replacing the formula (X) in the claim with formula (X) presented on page 11 of the specification, as suggested by the Examiner.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the §112, second paragraph, rejection.

Claims 23, 29-33, 37-40, 42, 48 and 49 stand rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-16 of U.S. Patent No. 6,545,115 and Claims 1-14 of co-pending application No. 10/933,542.

In an effort to expedite allowance of the application, Applicants provide the enclosed Terminal Disclaimers to obviate the double patent rejections. By filing the

enclosed Terminal Disclaimers, Applicants do not, of course, admit to the propriety of the rejections. (See MPEP § 804.02 citing *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejections.

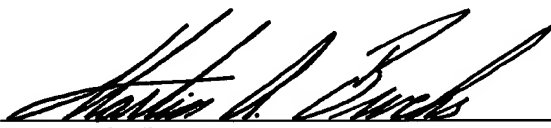
From the foregoing, Applicants earnestly solicit further and favorable action in the form of a Notice of Allowance.

If there are any questions concerning this paper or the application in general, Applicants invite the Examiner to telephone the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: November 18, 2005

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Attachments: Terminal Disclaimer for U.S. Patent No. 6,545,115; Terminal Disclaimer for Application No. 10/933,542